

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	)	<b>CIVIL ACTION NO.</b>
	)	<b>03:07cv137</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b><u>COMPLAINT</u></b>
<b>v.</b>	)	
	)	
<b>CAROLINA STEEL &amp; STONE, INC.,</b>	)	<b><u>JURY TRIAL DEMAND</u></b>
	)	
<b>Defendant.</b>	)	
	)	

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**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of national origin and/or race (Hispanic) and retaliation, and to provide appropriate relief to Nelson Quiñones and other similarly situated Hispanic employees who were adversely affected by the practices. The U.S. Equal Employment Opportunity Commission (the “Commission”) alleges that Defendant, Carolina Steel & Stone, Inc. (“Defendant”), subjected Nelson Quiñones and other similarly situated Hispanic employees to a hostile work environment on the basis of their national origin and/or race (Hispanic). The Commission further alleges Defendant discharged Mr. Quiñones in retaliation for his complaints about the harassment.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. Some of the employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of North Carolina. Defendant maintains its principal office within the jurisdiction of the United States District Court for the Western District of North Carolina.

#### PARTIES

3. Plaintiff is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been a North Carolina corporation doing business in the state of North Carolina and the city of Charlotte, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

#### STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Nelson Quiñones filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least February 2005 until around July 2005, Defendant engaged in unlawful employment practices at various work sites within North Carolina and South Carolina, including one or more worksites within the jurisdiction of the United States District Court for the

Western District of North Carolina, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). Specifically, Defendant subjected Nelson Quiñones and similarly situated Hispanic employees to discrimination based on their national origin and/or race, Hispanic, by subjecting them to severe or pervasive national origin and/or race based comments that created a hostile work environment. The comments included name calling, such as “wetbacks,” “assholes,” and “stupid,” telling them they were “dumb asses” and “look[ed] like niggers,” all of which were unwelcome to Mr. Quiñones and the similarly situated Hispanic employees. The harassment was perpetrated by an employee of Defendant who had direct supervisory authority over Mr. Quiñones and the other similarly situated Hispanic employees.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Nelson Quiñones and similarly situated Hispanic employees of equal employment opportunities and otherwise adversely affect their status as employees because of their national origin and/or race, Hispanic.

9. On or about July 14, 2005, Defendant engaged in unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a), by discharging Nelson Quiñones because he complained to Defendant about the national origin and/or race harassment referenced above, which he reasonably believed to be unlawful under Title VII.

10. The effect of the practice complained of in paragraph 9 above has been to deprive Nelson Quiñones of equal employment opportunities and otherwise adversely affect his status as an employee because he engaged in an activity protected by Title VII.

11. The unlawful employment practices complained of in paragraphs 7 and 9 above were intentional.

12. The unlawful employment practices complained of in paragraph 7 and 9 above were done with malice or with reckless indifference to the federally protected rights of Nelson Quiñones and the similarly situated Hispanic employees.

**PRAAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from maintaining a racially hostile work environment or from any other employment practice that discriminates on the basis of national origin and race, and from retaliating against employees who oppose unlawful discrimination, make a charge of unlawful discrimination, or participate in an investigation of unlawful discrimination.

B. Order Defendant to institute and carry out policies, practices, and programs that provide equal employment opportunities for Hispanics, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Nelson Quiñones by providing appropriate back-pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement.

D. Order Defendant to make whole Nelson Quiñones and other similarly situated Hispanic employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 9 above, in amounts to be determined at trial.

E. Order Defendant to make whole Nelson Quiñones and other similarly situated Hispanic employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 9, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

F. Order Defendant to pay Nelson Quiñones and other similarly situated Hispanic employees punitive damages for its malicious and reckless conduct, as described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this the 28 day of March, 2007.

Respectfully submitted,

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